

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WARREN EVANS,

Plaintiff,

- against -

BROOKLYN NAVY YARD DEVELOPMENT  
CORPORATION and BROOKLYN NAVY  
YARD COGENERATION PARTNERS, L.P.,

Defendants.

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BROOKLYN NAVY YARD DEVELOPMENT  
CORPORATION and BROOKLYN NAVY  
YARD COGENERATION PARTNERS, L.P.,

Third-Party Plaintiffs,

- against -

DELTAK CONSTRUCTION SERVICES, INC.,

Third-Party Defendant.

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DEARIE, District Judge.

Plaintiff Warren Evans alleges that while working on a construction project in 2005, he was struck by a crane cable and permanently injured. Compl. ¶ 24. Evans sued Brooklyn Navy Yard Development Corporation and Brooklyn Navy Yard Cogeneration Partners, L.P. in state court. The defendants, in turn, filed a third-party complaint against Deltak Construction Services, the subcontractor for the construction project. Third-party defendant Deltak removed the action to federal court and moved to dismiss the third-party complaint under Rule 12(b)(6).

**ORDER**

09 CV 5113 (RJD) (RML)

On May 16, 2012, Magistrate Judge Robert M. Levy recommended denying Deltak's motion to dismiss. ECF Docket # 25. Neither party filed objections. Having reviewed the motion papers and Magistrate Judge Levy's careful analysis, the Court adopts the Report and Recommendation, denying Deltak's motion to dismiss the third-party complaint.

SO ORDERED.

Dated: Brooklyn, New York  
June 28, 2012

s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge